



Human Resources

## **Memorandum on secondary employment at Lund University**

This memorandum is to act as support in the management and assessment of secondary employment.

### **What is secondary employment?**

In principle, secondary employment is any occupation in which you engage temporarily or permanently alongside your employment at the University. There is no requirement for the activity to have a particular scope in order to count as secondary employment; likewise, whether or not it is financially remunerated is of no significance. Extra work for Lund University or another public authority may also constitute secondary employment.

### **What does not count as secondary employment?**

Activities typically included in the private sphere, such as hobbies or taking care of your personal or family properties and private matters, do not count as secondary employment.

Work conducted within the scope of employment at the University does not count as secondary employment even if in certain cases it involves minor remuneration, e.g. external reviewer and external expert assignments, membership of examining committees and less extensive assignments e.g. for research councils and research journals. It is important that any expenses, such as travel expenses, are only reimbursed once.

### **Why is secondary employment regulated?**

The main reason for regulating the right of public sector employees to secondary employment alongside their main employment is to guarantee the general public's interest in impartiality and objectivity in the exercise of public authority, to ensure that trust in the public authority and its employees is maintained. Secondary employment that undermines trust is therefore forbidden by the Public Employment Act.

The state and ultimately the general public also has an interest in ensuring that public sector employees do not engage in secondary employment that adversely influences their regular work or the activities of the public authority.

For this reason, there are rules about secondary employment that interferes with duties or represents competition in the terms of employment that apply to all public authorities.

### **What types of secondary employment are normally permitted?**

The main rule is that public sector employees dispose of their leisure time as they wish and that secondary employment is permitted. Many types of secondary employment, such as public sector and municipal assignments, political and union assignments, assignments as a member of a housing cooperative and elected office in non-profit associations, are normally permitted.

Even normally permitted types of secondary employment may be non-permissible if they are not clearly separated from employment at the University. If there is a risk of confusion between secondary employment and what is conducted within the scope of employment at the University, otherwise permitted secondary employment may be prohibited. Examples would be when an employee uses the University's resources in secondary employment or when the secondary employment is presented as part of the University's activities. If there are business transactions between normally permitted secondary employment and the University, there is a risk that the secondary employment will be considered non-permissible.

### **Which types of secondary employment are not usually permitted?**

Non-permissible secondary employment is usually divided into three categories.

*Secondary employment that undermines trust.* The prohibition of secondary employment that undermines trust is regulated in law and means that the employer is not allowed to permit secondary employment that is considered to undermine trust. This means that an employee is not permitted to have employment or an assignment or otherwise conduct any activity that risks undermining the trust of the general public in employees' impartiality in their work, or that can damage the public authority's reputation. The risk of undermining trust increases if the secondary employment involves conflict of interest situations, the secondary employment is extensive, the duties are advanced or affect the public authority's activities. The risk also increases if secondary employment provides considerable financial remuneration or if the duties of main employment at the University require a particularly high level of trust, such as in recruitment, admissions, examinations or procurement. The acceptable level of risk is to be determined in each individual case. If exercising the secondary employment is of great public interest, a somewhat higher risk of undermining trust may be acceptable.

*Secondary employment that interferes with duties.* Secondary employment that interferes with duties is regulated in collective agreements that give the employer the right to assess whether secondary employment can be permitted in its entirety or if it is to cease entirely or partially. The regulation is intended to stop employees' secondary employment adversely affecting their duties. This refers to

time-related obstacles – that duties cannot be completed within certain timeframes – and that the secondary employment in some other way affects the employer’s possibilities to lead and delegate work.

*Secondary employment that represents competition.* Secondary employment that represents competition is regulated in collective agreements and only affect areas of the University’s contract activities. The aim of the regulation is to counteract situations in which the employer faces competition from its employees. An employee at the University is not allowed to have assignments or run activities within the areas of the University’s contract education or contract research without permission from the employer. Permission from the employer entails an increased obligation for the employee to submit information on the nature and scope of the secondary employment. Secondary employment that represents competition also often carries a risk of undermining trust and, if this is the case, it will not be permitted.

### **The right of teaching staff to conduct R&D secondary employment**

To facilitate collaborations between the University and wider society, teaching staff at higher education institutions, pursuant to the Higher Education Ordinance, have a more extensive right to engage in certain secondary employment beyond their main employment. In this case, secondary employment refers to research or development work within the employee’s subject area, known as R&D secondary employment. Such secondary employment is to be clearly separated from the teaching staff members’ work at the University. The extended right only includes teaching staff and not the University’s other research staff, and does not apply to teaching assignments or other assignments.

### **The employer’s obligation to inform about the risk of undermining trust**

In accordance with the Public Employment Act, the employer has an obligation to inform its employees about the circumstances that can make secondary employment non-permissible and which types of R&D secondary employment are incompatible with the right to such employment pursuant to the Higher Education Ordinance. The University provides information in the regulations on secondary employment, memorandums and information on university-wide websites. Line managers, in connection with induction of new employees, are also to provide information about the rules on secondary employment. An annual reminder of the obligation to report secondary employment is to be given, preferably in connection with staff appraisals.

The University is to provide its teaching staff with advice on the assessment of whether or not specific secondary employment can be considered as permitted R&D secondary employment. The University also has an obligation to submit a written answer on the matter if a member of the teaching staff should request such a decision. The person who, in accordance with the University’s regulations, is responsible for assessing secondary employment has responsibility for carrying this out.

### **Employees' obligation to submit information**

All employees are responsible for not engaging in non-permissible secondary employment.

To enable the employer to assess whether or not reported secondary employment can be considered as permissible, the employee has an obligation to submit adequate information about the secondary employment. The employer in turn will take the employee's integrity into consideration and only request information to the extent required to make an assessment.

### **Expanded obligations for teaching staff<sup>1</sup> and managers<sup>2</sup> to report secondary employment annually**

Due to the extended right of teaching staff to engage in R&D secondary employment, teaching staff, in accordance with the Higher Education Ordinance, have an obligation to keep the higher education institution informed about the secondary employment they have that is connected to the main employment's subject area. At Lund University, all teaching staff, in accordance with the University's regulations, are to report annually *all* secondary employment that they have or intend to start. Staff who have no secondary employment are also to report this. Employees who are part of the local management staff have the same extended obligation to report as teaching staff.

### **Other employees' obligation to report secondary employment**

The employer has the right to request that an employee submit a report on secondary employment for assessment if there is a particular reason for doing so. The reason may be due to the employee's way of conducting their duties or when the requirement for objectivity and impartiality in conducting duties is particularly important, e.g. in procurement, admissions or in activities in which there is close collaboration between the employee and suppliers of goods or services.

Employees whose employment is financed by American federal funding may have a more extensive obligation to report their secondary employment from the financier. More detailed information on this is issued by Research Services in the central administration.

### **Processing of non-permissible secondary employment and sanctions**

If it is noticed that an employee is engaged in non-permissible secondary employment, the manager with responsibility shall in the first instance talk to the employee about whether there are operational reasons or other conditions that may make the secondary employment permissible or if it must cease. Regarding secondary employment that undermines trust, the University has an obligation to make a special decision requiring the employee to cease the secondary employment if the employee does not do this of their own accord within a limited winding-up period agreed with the manager. In the case of more serious offences or if an employee, despite a request/decision that the secondary employment is to cease,

---

<sup>1</sup> Teaching staff categories at Lund University are stated in the LU Appointment Rules

<sup>2</sup> The managers to which this applies are stated in the Agreement on Local Management Staff

continues to engage in the secondary employment, he or she can be subject to disciplinary measures or be given notice of termination.

**The employer's obligation to negotiate prior to a decision on cessation**

A decision to instruct an employee to cease secondary employment that interferes with duties or represents competition is to be preceded by negotiations in accordance with sections 11 and 13 of the Employment (Co-Determination in the Workplace) Act. The person responsible for the decision on cessation and representing the public authority in negotiations is regulated by the University's applicable delegation rules.

In the case of secondary employment that undermines trust, there is no obligation to negotiate before a decision on cessation is made.

A decision by the employer that the employee is to cease specific secondary employment can be appealed in court.

See also Lund University's *Regulations on secondary employment*.